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RAYMOND Y. CHAN			OMOTOSHO, EMMANUEL	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/749,966

Applicant(s)

TAIN, LIU GUI

Examiner

Emmanuel Omotosho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The applicant's field of endeavor, "Poker Dealing Device", contains numerous prior arts pertinent to what is currently being claimed. The examiner is uncertain as to why there is no IDS entry from the applicant. In addition to the next response, the applicant is highly encouraged to put on record pertinent references.

### ***Claim Objections***

Claims 3-4, 20-21 objected to because they contain typographical errors.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill US Patent No. 6,582,301 B2.
3. Claims 1,13: Hill teaches a poker-dealing device for dispensing playing cards each having a face side and a card value (Abstract, Fig 8). Hill teaches the device having a receiving cavity for receiving said playing cards (Fig 10 el. 16) and a dispensing slot communicating with said receiving cavity for allowing said playing cards to be dispensed there through in a one-by-one manner (Par. 1 lines 33-52). Hill teaches

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the device having a card reading device comprising a card reader provided at said dispensing slot at a position out of said receiving cavity for reading said card value of said playing card at a time when said playing card is dispensed out of said receiving cavity through said dispensing slot (Par. 19 lines 20-31). A central management unit for generating a game record regarding said playing cards that have been dealt in said card with communication means for communicatively transmitting said card signal from said card reading device to said central management unit in such a manner that said game record is generated at said central management unit based on said card signal read from said card reader with respect to said playing cards dispensed from said poker dealing device in said card game (Par 12. lines 16-45)

4. Claims 2,14: The poker dealing device further comprising a card indicator adapted for forming at said face side of the card to represent said card value thereof, wherein said card indicator is positioned aligning with said card reader such that said card reader reads said card indicator when said respective playing card is dispensed out of said receiving cavity through said dispensing slot (Par 19. lines 6-31).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill ("Hill1") US 6,582,301 B2 as applied above, and further in view of Hill ("Hill2") US Pub. No. 2003/0195025 A1 and Fujimoto US Pub. No. 2005/0014562 A1.

7. Claims 3-4: Hill1 teaches all the present invention but fail to specifically show that different types of scanners such as a barcode or magnetic type reader could be used to scan the face of the card. However, searching through the specifications and claims, the applicant fail to show why interchanging between a barcode reader and a magnetic type reader or any other type of card reader provides an advantage, used for a particular purpose or solves a stated problem. Moreover, Hill2 (a child application to Hill1) teaches that the use of different scanners other than optical sensors is a design variant of the invention, and thus any other scanning means could be used (Hill2 Par. 0070, 0117). Furthermore, Hill2 teaches using magnetic reader as a scanner in conjunction with a magnetic layer placed on a specific card (e.g. player ID card) wherein the magnetic reader scans the information/values particular to that card through the magnetic layer placed on the card (Par. 0120). The use of barcode type scanners/readers is well known in the art. If applicant wishes to contend this, applicant should respectfully consider US Patent 5,941,769 to Order in the next response to the office.

8. Therefore it would have been an obvious design choice to one of ordinary skill in the art to interchange between the different type of scanners/readers.

9. Claims 5-6,18-19: Hill1 teaches a divider inclinedly supported in said receiving cavity to divide said receiving cavity into a circuit chamber and a card chamber for

receiving said playing cards, wherein said card reading device further comprises an electric circuitry supported within said circuit chamber to electronically connect with said card reader (Fig 1 and 10).

10. Claims 7-8,15: Hill1 teaches the electric circuitry having a digital encoder encoding a card signal read from said card reader in a digital form and a signal transmitter electrically connected to said digital encoder (Fig 1 Par. 9 lines 28-42).

11. Claims 9-12,16-17: Hill1 teaches sending card signal through a wireless communication link (Par.9 lines 28-42). In Par. 9 Hill1 teach that any wireless communication could be use for the transmission of data thus it inherently teaches the use of the infra red/radio frequency wireless communication system since this are well known in the art. However, if the applicant wishes to argue this, applicant should respectfully consider Smolucha et al.'s US Pub No. 2005/0116020 A1 Par. 0017 in the response to the office.

12. Claims 20-21: Hill1 teaches the central management unit having a CPU (Par.12 lines 16-28) responsive to said card signal to generate said game record regarding said card values of said playing cards dispensed from said poker device and status of wining and losing and odds for said card game (Par. 12 lines 29-45, lines 53-65).

13. Claims 22-23: Hill1 teaches the central management unit further comprising a result display displaying said game record regarding said status of wining and losing and odds after said card game is over (Par 12 lines 53-65, Par 13 lines 57-63).

14. Claims 24-26: Hill1 teaches the system further comprising a poker table for hosting said card game (Par. 7 lines 46-50), wherein said poker table comprises a

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tabletop defining a betting area and a bet sensor disposed in association with said betting area for detecting said bet therewith to generate a bet signal representing a value of said bet (Par. 7 lines 63-67), wherein said bet signal is transmitted to said central management unit such that said game record is generated at said central management unit based on said bet signal corresponding to said card signal (Par.8 lines 3-7)

15. Claims 27-29: Hill as shown above teaches all the features of the present invention but fail to specifically show that the bet sensors as claimed in claims 27-29 could be weighted bet sensors in which the weight of the chip is used in determining the amount wagered by the player.

16. However, Fujimoto shows that this is old in the casino gaming art (Par. 0057). Therefore it would have been obvious to one of ordinary skill in the art to incorporate Fujimoto's teachings. The incorporation will add a more secure system that is capable of determining counterfeit money. The motivation comes from Fujimoto's Par. 0057 last line.

### ***Response to Arguments***

15. Applicant's arguments filed 10/04/07 have been fully considered but they are not persuasive.

16. On page 10, applicant argues, "*Hill specifically teaches that a CPU system is used to control the barrier for preventing wrongful dispensing of a card (Hill, Abstract). The instant invention, however, recites a card dealing system comprising a central management unit for generating a game record regarding the playing cards that have been dealt in a particular card game. Hill is silent as to this feature of the instant invention.*"

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17. The examiner respectfully disagrees. Please see Hill Col 12 lines 46-55 where Hill teaches such limitations.

18. On page 10, applicant argues, *"Regarding claim 2 and 14, Hill does not anticipate that the poker dealing device card indicator adapted for forming at the face side of each of the playing cards to represent the card value thereof, wherein the card indicator is positioned aligning with the card reader such that the card reader reads the card indicator when there respective playing card is dispensed out of the receiving cavity through the dispensing slot, in addition to what is claimed in the newly amended independent claims 1 and 13 as a whole. Hill does not disclose that any card indicator is used wherein the card indicator corresponds with the actual cards value of the corresponding playing card. More specifically, neural network or other recognition program must be used for Hill (Hill, Col. 19, Lines 20-31) whereas in the instant invention, a corresponding card reader which is capable of recognizing the card indicator is desirable"*.

19. The examiner respectfully disagrees. Please see Hill Col 19 lines 20-31 where Hill teaches of a device (i.e. card reader) that reads the images on the card (i.e. card indicator that includes the card value, see fig 8).

20. On page 12, applicant argues, *"Broad conclusory statements regarding the teaching of a reference is not evidence. There has to be actual evidence that is clear and particular. Bard v\_ M3, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). "Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact." See McElmurry v. Arkansas Power & Light Co., 995 F.2d 1476, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993). "The Examiner's conclusory statement that the specification does not teach the best mode of using the invention is unaccompanied by evidence or reasoning and is entirely inadequate to support the rejection." In re Sichert, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977). The rejections in the Office Action are broad conclusory statements: The invention is obvious because they are considered "obvious design*



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choice", and thus the invention is not patentable. Such broad conclusory statements are not sufficient to support the rejection."

21. The examiner respectfully disagrees. The obviousness type rejection is not based on broad conclusory statements. They were in fact based on teachings and suggestions found in Hill reference itself (Please see Paragraph 7 above).

22. On page 12, applicant argues, *"The applicant respectfully submits that the card indicator is utilized in conjunction with the card reader to accurately and rapidly provide the card value information of the dispensed card for generating a game record in a strictly confidential manner. As mentioned earlier, since the card reader cannot be installed within the housing, the use of card indicator as a barcode or a magnetic layer has an unexpected result of facilitating rapid and accurate reading of the card value when the cards are dispensed through the dispensing slot"*.

23. The examiner respectfully disagrees. Choosing to use barcode or a magnetic layer is a matter of design choice that would produce the same predictable result (i.e. reading a card information using barcode or magnetic type card reader). Hill teaches that the type of card reader used in the embodiments could be replaced with any other optical reader, and Hill further teaches using magnetic reader to read information on a specific card (Please see Par 7 above).

24. On page 12-13, applicant argues, *"The Examiner appears to reason that since Hill2 teaches the use of different scanners other than optical sensors, it would have been obvious to one skilled in the art to modify Hill1 to include the different types of scanners. But this is clearly not a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. See Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481,488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the*

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question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") The main subject matter of the instant invention is that the card reader is installed at the dispensing slot but out of the housing, the examiner must consider the instant invention as a whole."

25. The examiner respectfully disagrees. For the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

26. Furthermore, the examiner considered the instant invention as a whole. The examiner considered the main subject matter of the instant invention, however what the applicant currently claims is [a card reader provided at said dispensing slot at a position out of said **receiving cavity**]. Hill teaches this particular feature (Please see Par 3 above).

27. On page 13, applicant argues, "In any case, even modifying Hill1 to include the different types of scanner of Hill2 would not provide the invention as claimed -- a clear indicia of nonobviousness. *Ex parte Schwartz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the

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*manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed." )".*

28. However, a zipper closure material that terminates short of the end of the one edge of the product containing area is not currently claimed.

29. All remaining arguments by applicant are reliant on the above addressed issues and hence each fall in kind.

### **Conclusion**

**30. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

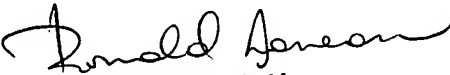
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 10-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

  
RONALD LANEAU  
PRIMARY EXAMINER

12/3/07